

**REMARKS**

With the entry of the foregoing amendments, claims 1-10 are pending in the application. Favorable reconsideration is requested.

At the outset, the applicant notes with appreciation the indication of allowable subject matter in claims 3-5 and 9-10.

In response to the new objections and rejections, applicant has amended the claims in line with the helpful comments and suggestions of the Examiner, and as further explained below. Applicant thanks the Examiner for the comments and suggestions. No new matter has been added.

In paragraph no. 1 at the top of page 2 of the Detailed Action, claim 1 stands objected to because the Examiner notes in line 3 of claim 1 that the term “material” should be changed to -- element -- in order to be consistent with the claim phrase “a diamagnetic element” in line 2 of claim 1. Applicant agrees and has amended the claim accordingly.

In paragraph no. 2 on page 2 of the Detailed Action, claims 6-8 and 10 stand objected to as allegedly being of improper dependent form. The Examiner contends that claims 6-8 and claim 10 recite an “intended use” and do not further limit the subject matter of claim 1 or claim 9 by reciting an additional structural limitation. Applicant respectfully disagrees because claims 6-8 and 10 are “device” claims and are not “intended use” claims. In this regard, claims 6-8 and 10 are very similar to a device claim that reads: “A car comprising an engine.” This type of claim is permissible under the U.S. patent laws because it is a device claim that includes a further structural limitation, i.e., a car that includes an engine compared to a car that does not include an engine. As a result, applicant respectfully requests the withdrawal of the rejection.

In paragraph no. 4 on page 2 of the Detailed Action, claims 3-5, 9 and 10 stand rejected on formalistic grounds as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant has amended claim 3 and submits that the amendment renders the rejection moot.

In paragraph no. 6 on page 3 of the Office Action, claims 1 and 6-8 stand rejected as allegedly being anticipated by Pelrine (U.S. Patent 6,361,268). Although applicant disagrees with the rejection, applicant requests the withdrawal of this rejection in view of the amended claims, for example, the amended claims require that “the [claimed] inertial sensor senses inertial forces” – which is not disclosed or suggested in Pelrine.

In paragraph no. 7 on page 4 of the Office Action, claim 2 stands rejected as allegedly being obvious over Pelrine. Applicant requests the withdrawal of this rejection for the same reasons as noted above.

In view of the foregoing amendments and remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: /Duane M. Byers/

Duane M. Byers  
Reg. No. 33,363

DMB:lfo  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100